

February 4, 2015

**OFFICE OF THE HEARING EXAMINER  
KING COUNTY, WASHINGTON**

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**ORDER OF DISMISSAL**

SUBJECT: Permitting and Environmental Review File No. **ENFR130592**

**JOHN MORAUSKI**  
Code Enforcement Appeal

Location: 47150 SE 162nd Street, North Bend

Appellant: **John Morauski**  
1511 State Route 33  
Portage, WI 53901  
Telephone: (206) 919-1195  
Email: john@redrooster.build

King County: Department of Permitting and Environmental Review  
*represented by* **Erroll Garnett**  
35030 SE Douglas Street Suite 210  
Snoqualmie, WA 98065  
Telephone: (260) 477-0290  
Email: erroll.garnett@kingcounty.gov

The appealed notice and order in this matter involves a (1) conversion of a garage into living space and a (2) construction of a barn/ADU within a critical area and/or buffer and within property line setbacks. At our August 19, 2014, pre-hearing conference, and at the parties' request, we continued the case and set a telephone conference for October 16, 2014. When neither party appeared for that, we sent out a notice indicating that future failure of DPER to participate could result in dismissal of its notice and order, while the future failure of Appellant to participate could result in dismissal of his appeal.

Earlier today, we conducted our regularly scheduled status conference, but only Appellant participated. Appellant described the steps he had taken to address both alleged violations. For (1) he stated he had converted the space back into a garage and had sent pictures to DPER. For

(2) he described his work with a surveyor to address both the floodplain (according to Appellant, the surveyor is confident the area is out of the floodplain and will do an elevation certificate) and the lot line setback (the plan being to propose a boundary line adjustment with the impacted neighbor, to conform the building to the setback requirements).

We announced at the end of the conference that as this was DPER's second no-show in this case, and as Appellant is making progress, we would dismiss the notice and order, but without prejudice to DPER later serving another notice and order, should Appellant not continue diligently pursuing necessary approvals. Appellant indicated he understood the parameters of our dismissal (that the enforcement action could come back if he cannot wrap up the permit process) and he committed to obtaining the necessary approvals.

Approximately an hour after the scheduled start time, DPER called and then emailed, explaining that while the (1) living space has been satisfactorily converted back to a garage, the (2) barn/ADU still needed permits and critical areas review, that DPER could file another complaint, and that the owner will be required to permit or remove the barn/ADU. That is not inconsistent with what we announced during the actual conference. Appellant understands the need to proceed on the regulatory side.

Thus, DPER's June 5, 2014, notice and order, is dismissed as **RESOLVED** as to violation (1) and **DISMISSED WITHOUT PREJUDICE** as to violation (2). Nothing in this dismissal prevents DPER from later serving another order on alleged violation (2), if it concludes that Appellant is not making adequate progress on resolving the barn/ADU.

This terminates the Examiner's jurisdiction.



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David Spohr  
Hearing Examiner

### **NOTICE OF RIGHT TO APPEAL**

The Examiner's summary dismissal order shall be final and conclusive unless proceedings for review of the decision are properly commenced in Superior Court within 21 days of the Examiner issuing the decision. (The Land Use Petition Act defines the date on which the Examiner issues a land use decision three days after the Examiner mails the written document.)

DS/gao

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**CERTIFICATE OF SERVICE**

SUBJECT: Permitting and Environmental Review File No. **ENFR130592**

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Code Enforcement Appeal

I, Ginger Ohrmundt, certify under penalty of perjury under the laws of the State of Washington that I transmitted the **ORDER OF DISMISSAL** to those listed on the attached page as follows:

- ☒ EMAILED to all County staff listed as parties of record/interested persons and primary parties with e-mail addresses on record.
- ☒ caused to be placed with the United States Postal Service, with sufficient postage, as FIRST CLASS MAIL in an envelope addressed to the non-County employee parties of record/interested persons at the addresses indicated on the list attached to the original Certificate of Service.
- ☒ caused to be placed with the United States Postal Service, with sufficient postage, as CERTIFIED MAIL with a return receipt requested in an envelope addressed to the primary parties.

DATED February 4, 2015.



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Ginger A. Ohrmundt  
Legislative Secretary II